IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 549 of 1988

in

SPECIAL CIVIL APPLICATIONNo 4795 of 1986

with

CIVIL APPLICATION No 2389 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL
and
Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STATE OF GUJARAT

Versus

DALAVARI MAHESHKUMAR P

Appearance:

1. LETTERS PATENT APPEAL No. 549 of 1988

MR AJ DESAI ASST. GOVERNMENT PLEADER for Appellant

MR KG VAKHARIA for Respondent No. 1-2,4,6,8-10,12

RULE SERVED for Respondent No. 3,5,11

RULE UNSERVED for Respondent No. 7

2. Civil Application (SCA & SA BR.) No. 2389 of 1988

M/S MG DOSHIT & CO for Appellant No.

MR KG VAKHARIA for Respondent No. 1

CORAM : MR.JUSTICE J.M.PANCHAL
and
MR.JUSTICE A.M.KAPADIA

Date of decision: 10/04/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE J.M.PANCHAL)

1. Instant appeal filed under Clause 15 of the Letters Patent is directed against interim relief dated October 17, 1986 granted in Special Civil Application No. 4795 of 1986 by which the appellants have been restrained from terminating services of the respondents and directed to treat their services as regular with retrospective effect from 1979.

2. During the course of hearing of the appeal, Mr. A.J. Desai, learned A.G.P. has produced status report of Special Civil Application No. 4795 of 1986 and another status report of Letters Patent Appeal No. 1779 of 1999 for perusal of the Court. They are ordered to be taken on the record of the case. The status report dated April 8, 2003 with respect to Special Civil Application No. 4795 of 1986 indicates that Special Civil Application No. 4795 of 1986 has been disposed of by learned Single Judge of this Court vide judgment dated July 2, 1999. The status report of Letters Patent Appeal No.1779 of 1999 dated April 8, 2003 would indicate that against the judgment dated July 2, 1999 delivered in Special Civil Application No. 4795 of 1986 the State of Gujarat and Director of Social Welfare have preferred Letters Patent Appeal which is admitted by the Division Bench and is pending for final disposal.

3. As Special Civil Application No. 4795 of 1986 is disposed of by judgment dated July 2, 1999, we are of the opinion that instant appeal which is directed against an interim order passed therein does not survive and deserves to be disposed of accordingly.

4. For the foregoing reasons, the appeal fails and is dismissed. There shall be no orders as to cost. Appeal stands disposed of as having become infructuous.

5. As the main appeal is disposed of as having become infructuous, this application for interim relief during the pendency and hearing of the appeal does not survive. Hence rule is discharged. There shall be no orders as to cost.

(J.M. Panchal, J.)

(A.M. Kapadia, J.)

(karan)